DEPARTMENT OF STATE A/CDC/MR
BY DATE 2/27/81
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ACTION SCS-06
INFO OCT-01 ARA-15 ISO-00 CA-01 FBIE-00 JUSE-00 SY-05
L-03 H-02 SS-15 NSCE-00 PA-02 ICAE-00 CIAE-00
INR-10 NSAE-00 SSO-00 INRE-00 /060 W
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O 031545Z JAN 79
FM AMEMBASSY GEORGETOWN
TO SECSTATE WASHDC IMMEDIATE 8631
UNCLAS GEORGETOWN 0019
C O R R E C T E D C O P Y (TEXT)
E.O. 12065: NA
TAGS: CARR, GY, (LAYTON, LARRY)(PEOPLES TEMPLE)
SUBJ: W/W ARRESTS: LARRY LAYTON; PRELIMINARY INQUIRY CONCLUDES WITH DECISION TO COMMIT LAYTON TO TRIAL
REF: A. GEORGETOWN 4329 B. GEORGETOWN 4517
BEGIN SUMMARY: PRELIMINARY INQUIRY INTO THE MURDERS OF CONGRESSMAN RYAN AND FOUR OTHER AMERICANS CONCLUDED YESTERDAY, JAN 2, AS MAGISTRATE KRISENA CHINTA COMMITTED LAYTON TO A JURY TRIAL FOR THE MURDER OF RYAN. PRIOR TO THE MAGISTRATE'S DECISION, TWO WITNESSES TESTIFIED, AND DEFENSE AND PROSECUTING COUNSELS BOTH MADE STATEMENTS SUMMARIZING THEIR RESPECTIVE CASES. LAYTON, IN A BRIEF STATEMENT, PROCLAIMED HIS INNOCENCE. END SUMMARY.
1. AT THE BEGINNING OF THE JAN 2 SESSION, DR. CYRIL LESLIE MOOTOO, THE GOVERNMENT OF GUYANA PATHOLOGIST, TESTIFIED. MOOTOO RELATED HIS FINDINGS BASED ON POST MORTEM EXAMINATIONS OF CONGRESSMAN RYAN AND THE OTHER FOUR AMERICANS KILLED AT PORT KAITUMA. WHILE MOOTOO WAS DISCUSSING THE AUTOPSY OF DON HARRIS, DEFENSE COUNSEL KAI NARAINE SINGH OBJECTED THAT THE TESTIMONY WAS IRRELEVANT TO THE ONLY CHARGE LAID AGAINST
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LAYTON SO FAR, I.E., THE MURDER OF CONGRESSMAN RYAN. MAGISTRATE CHINTA OVERRULED SINGH'S OBJECTION, NOTING THAT AT THE BEGINNI G OF THE INQUIRY THE PROSECUTOR SAID HE WOULD "LEAD" ALL THE EVIDENCE CONCERNING ALL OF THE KILLINGS AND ATTEMPTED MURDERS AT PORT KAITUMA ON NOV 18. THE DEFENSE, CHINTA CONTINUED, DID NOT OJECT TO THE PROSECUTOR'S EXPRESSED INTENTION AT THAT TIME, AND THUS COULD NOT OBJECT AT THIS LATE STAGE. A POLICE DRAUGHTSWOMAN WHO DREW A MAP OF THE PORT KAITUMA AIRSTRIP ALSO TESTIFIED. BOTH MOOTOO AND THE POLICEWOMAN WERE CROSS-EXAMINED BY THE DEFENSE.
2. SINGH, IN MAKING THE DEFENSE'S "NO CASE" SUBMISSION TO THE COURT, CONTENTED THAT A PRIMA FACIE CASE AND NOT BEEN MADE ON THE MURDER CHARGE. THERE WAS NO EVIDENCE, ACCORDING TO SINGH, TO SHOW THAT LAYTON SHOT RYAN, OR TO SHOW THAT LAYTON COMMITTED ANY ACT WHICH CAUSED THE CONGRESSMAN'S DEATH. FURTHERMORE, THERE WAS NO EVIDENCE INTRODUCED TO SHOW THAT LAYTON WAS PRESENT WHEN RYAN WAS SHOT. IN FACT, THE PROSECUTION'S

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EVIDENCE SHOWED THAT LAYTON WAS IN A PLANE, WITH ITS DOORS CLOSED, WHEN THE SHOOTING TOOK PLACE. THIS PLANE, ACCORDING TO THE TESTIMONY OF WITNESSES, WAS FROM 200 TO 400 YARDS FROM THE POINT WHERE RYAN MET HIS DEATH. THERE WAS ALSO NO EVIDENCE, SINGH CONTINUED, TO SHOW THAT LAYTON HAD CONSPIRED WITH ANY ONE OR ACTED IN CONCERT WITH ANYONE TO KILL RYAN. THE LAW REQUIRES THE EVIDENCE TO ESTABLISH SUCH A CONSPIRACY MUST BE UNEQUIVOCAL. IN THIS CASE, THE UNEQUIVOCAL TEST WAS CLEARLY NOT MET.

3. NANDRAM KISSOON, IN HIS CONCLUDING STATEMTMENT, CONCEDED THAT THERE WAS NO EVIDENCE THAT LAYTON FIRED ANY SHOT AT RYAN. HOWEVER, KISSOON CONTINUED, A PRIME FACIE CASE AGAINST THE ACCOUSED COULD BE MADE. LAYTON WENT ON THE TRUCK FROM JONESTOWN TO PORT KAITUMA WITH THE OTHERS, AND SHORTLY BEFORE THE SHOOTING

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BEGAN, ACCORDING TO AN EYEWITNESS, RECEIVED A GUN FROM JOE WILSON. HE THEREFORE ACTED IN CONCERT WITH WILSON AND OTHERS. AFTER THE SHOOTING, LAYTON WAS SEEN APPROXIMATELY FIFTEEN FEET AYWAY FROM THE FIVE DEAD BODIES. AND, ON NOV 22, THE ACCUSED MADE A STATEMENT, AFTER BEING DULY CAUTIONED BY THE POLICE, IN WHICH HE TOOK FULL RESPONSIBILITY FOR THE KILLINGS (REF A). THIS STATEMENT ALONE, KISSOON CONCLUDED, WAS ENOUGH TO ESTABLISH THE PRIMA FACIE CASE.

4. MAGISTRATE CHINTA THEN STATED THAT BASED UPON ALL THE EVIDENCE, A PRIMA FACIE CASE HAD BEEN ESTABLISHED. LAYTON SEE EXPLAINED, MAY NOT HAVE FIRED THE SHOT, BUT ENOUGH EVIDENCE HAD BEEN INTRODUCED TO SHOW THAT HE HAD BEEN "WORKING IN CONCERT WITH OTHERS." LAYTON THEN MADE A STATEMENT FROM THE DOCKTT, DECLARING THAT HE WAS INNOCENT OF THE CHARGE, AND THAT HE DID NOT SHOOT AT, OR CONSPIRE WITH ANYONE TO SHOOT AT, CONGRESSMAN RYAN OR ANY OTHER PERSON. CHINTA THEN COMMITTED LAYTON TO TRIAL BEFORE THE NEXT SESSION OF THE HIGH COURT, WHICH BEGINS JAN 9, 1979.

5. COMMENT: AS NOTED ABOVE, THE ONLY FORMAL CHARGE AGAINST LAYTON TO DATE IS FOR THE MURDER OF RYAN. HOWEVER, THE DIRECTOR OF PUBLIC PROSECUTIONS (DPP), BASED UPON HIS REVIEW OF THE DEPOSITIONS TAKEN DURING THE INQUIRY, HAS THE POWER TO FILE ADDITIONAL CHARGES AGAINST LAYTON. CONCEIVABLY, LAYTON COULD ALSO BE INDICTED FOR THE MURDERS OF DON HARRIS, GREG ROBINSON, BOB BROWN, AND PATRICIA PARKS, AND FOR THE ATTEMPTED MURDERS OF VERN GOSNEY, MONICA BAGBY, AND DALE PARKS. AT THE SAME TIME, THE DPP HAS THE POWER TO DECIDE NOT TO PROSECUTE LAYTON, EVEN ON THE CHARGE OF MURDERING RYAN, IF THE DPP FEELS THE EVIDENCE IS NOT STRONG ENOUGH. KISSOON, HOWEVER, INFORMED EMBOFF AFTER YESTERDAY'S SESSVN THAT THERE IS VIRTUALLY NO CHANCE THAT LAYTON WILL HAVE TO CHARGE AGAINST HIM DISMISSED BEFORE GOING TO TRIAL.

6. THE EXACT DATE THE TRIAL WILL BEGIN IS UNCERTAIN. ONE OF

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THE DEFENSE COUNSELS INFORMED EMBOFF THAT IT IS HIGHLY UNLIKELY THAT THE GOG CAN COMPLETE ALL OF THE REQUIRED PAPERWORK BEFORE JAN 9. IN ADDITION, THE DATE OF THE TRIAL MUST APPEAR IN THE OFFICIAL GAZETTE AT LEAST ONE WEEK IN ADVANCE. THUS THE TRIAL WILL PROBABLY BEGIN SEVERAL WEEKS INTO THE SESSION, WHICH RUNS UNTIL APRIL 1979. END COMMENT.
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